

Introduced by Senator HarmanFebruary 10, 2010

An act to amend Section 3604 of the Penal Code, relating to the death penalty.

LEGISLATIVE COUNSEL'S DIGEST

SB 1018, as introduced, Harman. Death penalty: sodium thiopental.

Existing law provides that a person sentenced to death shall have the opportunity to elect to have the punishment imposed by lethal gas or by a lethal injection of a nonspecified substance by standards established under the direction of the Department of Corrections. If no election is made, the penalty of death shall be imposed by lethal injection.

This bill would specify that the substance to be used for the lethal injection shall be sodium thiopental.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3604 of the Penal Code is amended to
2 read:
3 3604. (a) The punishment of death shall be inflicted by the
4 administration of a lethal gas or by an intravenous injection of a
5 ~~substance or substances~~ *sodium thiopental* in a lethal quantity
6 sufficient to cause death, by standards established under the
7 direction of the Department of Corrections *and Rehabilitation*.
8 (b) Persons sentenced to death prior to or after the operative
9 date of this subdivision shall have the opportunity to elect to have
10 the punishment imposed by lethal gas or lethal injection. This

1 choice shall be made in writing and shall be submitted to the
2 warden pursuant to regulations established by the Department of
3 Corrections *and Rehabilitation*. If a person under sentence of death
4 does not choose either lethal gas or lethal injection within 10 days
5 after the warden's service upon the inmate of an execution warrant
6 issued following the operative date of this subdivision, the penalty
7 of death shall be imposed by lethal injection.

8 (c) Where the person sentenced to death is not executed on the
9 date set for execution and a new execution date is subsequently
10 set, the inmate again shall have the opportunity to elect to have
11 punishment imposed by lethal gas or lethal injection, according to
12 the procedures set forth in subdivision (b).

13 (d) Notwithstanding subdivision (b), if either manner of
14 execution described in subdivision (a) is held invalid, the
15 punishment of death shall be imposed by the alternative means
16 specified in subdivision (a).